

1 Remarks/Arguments

2 This amendment is submitted in response to the Office action dated December 17,
3 2004. Applicant submits under separate cover a request for a one-month extension of time
4 for responding to the Office action to and including April 17, 2005, along with the required
5 small entity fee in the amount of \$60.

6 Please note the new Power of Attorney authorizing the undersigned to submit this
7 amendment.

8 The claims stand rejected over Shanley by reason of the broad interpretation of the
9 phrase "relief cuts at or near." All three claims pending have been amended to require that
10 the relief cuts are "round or arcuate holes." This language is supported in the specification at
11 page 7, line 20, and at page 8, line 24. The Shanley reference simply does not teach or
12 suggest "holes" at or near the flexion points. The use of holes as described in claims 1-3, as
13 amended, allows the stent to flex more easily and with maximum stability at each flexion point
14 to avoid the twisting and/or warping of the struts as the stent expands.

15 Allowable subject matter has been found in each of the earlier version of these claims
16 and the undersigned submits that the present amendment patentably distinguishes over the
17 Shanley reference. Favorable action is requested.

18 Respectfully submitted,

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**I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to: Mail Stop Amendment (FEE)**

_____, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450,
on April 15, 2005

Reg. No. 24,982 of Eckhoff & Hoppe

Bruce H. Johnsonbaugh
4 Signature
4/15/05
Date